

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GEORTO, INC.,	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WILLIAM GATEMAN, INDIVIDUALLY	)	CIVIL ACTION NO. 04-11730 NG
and as TRUSTEE OF 200 UNION	)	
STREET REALTY TRUST,	)	
Defendant and	)	
Third Party Plaintiff,	)	
	)	
v.	)	
	)	
ROBERTS CORPORATION,	)	
Third Party	)	
Defendant.	)	

**PLAINTIFF'S SUPPLEMENTAL PRETRIAL DISCLOSURE**

Plaintiff Georto, Inc. ("Georto"), pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(C) and without waiver of or prejudice to its right to compel enforcement of the trial subpoena issued to Kevin Doherty, discloses that it intends to present the testimony of Kevin Doherty at trial through the following excerpts of his deposition taken on September 30, 2005 in the event that the Court finds (under Fed. R. Civ. P. 32(a)(3)) that Mr. Doherty is unable to attend and testify at trial due to infirmity<sup>1</sup>:

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Page 8, Lines 15-21

Page 9, Lines 13-24, Page 10, Lines 1-10

Page 20, Lines 4-11

Page 21, Lines 13-24; Page 22, Lines 1-6

Page 22, Lines 20-24; Page 23, Lines 1-6

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<sup>1</sup> While Roberts Corporation's counsel had previously indicated that Mr. Doherty (along with Mr. Robert Stalker) would be made available to testify at trial, counsel stated at the pretrial meeting on August 1, 2006 that Mr. Doherty may not be available to testify at trial due to certain health issues.

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Page 26, Lines 2-16

Page 36, Lines 13-17

Page 37, Lines 8-24

Page 38, Lines 1-19

Page 40, Lines 7-24; Line 41, Lines 1-7

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Page 53, Lines 21-24

Page 54, Lines 1-13

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Page 80, Lines 1-24

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Page 109, Lines 19-24

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Page 122, Lines 8-22

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Page 134, Lines 11-24; Page 135, Lines 1-11

Page 136, Lines 5-23

Page 145, Lines 20-23

Page 149, Lines 14-19

Page 152, Lines 16-21

Page 152, Line 24; Page 153, Lines 1-8

Page 152, Lines 20-24

Page 154, Lines 1-10

Page 155, Lines 18-20

Page 163, Lines 6-10

Given that Eric M. Axlerod (identified by Georto in its pretrial disclosures as an expected witness) is no longer employed by Harding ESE, Inc. (formerly a MacTec company), Georto amends its pretrial disclosure as to Mr. Harding by disclosing that Mr. Axlerod's present business address is at Ransom Environmental Consultants, Inc., 1445 Wampanoag Trail, Suite 108A, East Providence, RI, 02915 and that Georto may call as a witness the Keeper of the Records of MacTec Engineering and Consulting, Inc., 107 Audubon Road, Wakefield, MA 01880.

GEORTO, INC.,  
By its attorney,

/s/ Dale Kerester  
Dale C. Kerester, BBO#548385  
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Dated: August 8, 2006

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Dale Kerester  
Dale Kerester